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January 27, 2000

VIA FACSIMILE & FIRST CLASS MAIL

**Ami Antoine, Esquire (3RC43)
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103**

RE: 68th Street Dump Site

Dear Ms. Antoine:

This will evidence our telephone conversation of today's date. At that time, I advised you that I would communicate with my client to discern its wishes regarding your request once again. I have also advised you that I would recommend that permission not be granted to EPA to resample the site or to reinspect the site until and unless EPA provides answers to the questions raised in my letter of yesterday's date. Specifically, we wish to know the reason for the re-sampling of the site and how such efforts relate to the current proposed NPL listing process. We would also wish to know why additional sampling is proposed in light of all the past sampling that was accomplished by both the State and Federal government.

You advised that you are unable to answer any of these questions because you are unable to discuss in an *ex parte* fashion anything which relates to the NPL listing process. We do not agree with this interpretation of the regulations and request that you provide the authority for your statement. Furthermore, if you are correct, the fact that such communication would be *ex parte* does not preclude you providing advices we have requested. You may simply respond to our questions and publish this information to all interested parties.

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Ami Antoine, Esquire
U.S. Environmental Protection Agency
January 27, 2000
Page 2

We hope to hear from you soon so that cooperation can be continued.

Yours very truly,



Warren K. Rich

WKR:rw

P.S. The site is currently covered in excess of 12" of snow at this time resulting from the storm which took place on January 25th.

cc: Kenneth R. Binnix

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FACSIMILE TRANSMITTAL

TO: Ami Antoine
U.S. EPA

FAX: (215) 814-2601

FROM: Warren K. Rich

FAX: (410) 267-5901

DATE: January 27, 2000

3 pages (including this cover sheet)

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